

908 KAR 3:030. Convalescent patient status.

RELATES TO: KRS 202A.181

STATUTORY AUTHORITY: KRS 194.050, 202A.191, 202B.060, EO 2004-726

NECESSITY, FUNCTION, AND CONFORMITY: EO 2004-726, effective July 9, 2004, created the Cabinet for Health and Family Services and placed the Department for Behavioral Health, Developmental and Intellectual Disabilities within the cabinet. KRS Chapters 202A and 202B, relating to the hospitalization of an individual with mental illness, developmental, or intellectual disabilities, direct that the Secretary of the Cabinet for Health and Family Services shall adopt rules and administrative regulations relating to the release of patients to less restrictive alternative modes of treatment on convalescent status. The function of this administrative regulation is to establish standards to be employed in determining whether a person should be released on convalescent status.

Section 1. Definition. For purposes of this administrative regulation, the term "less confining environment" shall include, but not be limited to, a personal residence, a skilled nursing facility, an intermediate care or personal care facility, or any other facility providing a supervised residential living situation.

Section 2. Release on Convalescent Status. An authorized staff physician may release from a hospital an involuntarily committed mentally ill person on convalescent status, or an authorized staff person may release from a residential treatment center an involuntarily committed individual with developmental or intellectual disabilities on convalescent status, if the staff member concludes that the person would not present danger or threat of danger to self or others if provided continued medical supervision in a less confining environment. While on convalescent status the patient shall remain the responsibility of the hospital or residential treatment center from which the patient was released.

Section 3. Rights of Patients on Convalescent Status. Patients on convalescent status shall enjoy all the rights and privileges afforded to an involuntarily committed patient except that patients on convalescent status who have been directly committed to convalescent status under this section may be involuntarily admitted to a hospital or residential treatment center only upon a further court hearing and order.

Section 4. Termination of Convalescent Status. The convalescent status of a patient shall terminate upon the cessation of care and treatment or when the court order governing the patient's hospital admission or placement in convalescent status expires or is terminated. (Recodified from 902 KAR 12:040, 3-7-1989; 18 Ky.R. 1689; eff. 1-10-1992; TAm eff. 4-27-2016; Crt eff. 12-18-2019.)